

The opinion in support of the decision being entered today was *not* written for publication is *not* binding precedent of the Board.

Paper No. 25

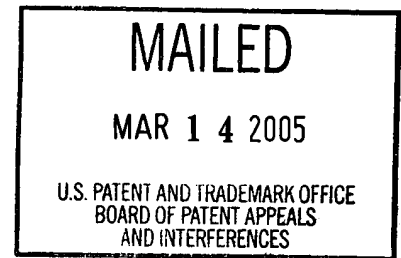
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STUART B. BERMAN

Appeal No. 2005-0358
Application 09/330,755

COMMUNICATION




A telephone conversation was held between counsel for the appellant, Mr. David B. Murphy, Esq., and the undersigned on March 10, 2005, regarding the Request for Oral Hearing contained within the Appeal Brief filed April 2, 2004, and reiterated in the Reply Brief filed July 16, 2004. Discussion was made as to the procedures under 37 CFR § 41.47 (formerly know as § 1.194) and options that the appellant may follow if an Oral Hearing was desired.

On March 11, 2005, in a telephone message from Mr. Murphy, he stated that the appellant has decided to proceed without having an Oral Hearing.

Accordingly, it is

ORDERED that the application be decided based upon the written record before the Board of Patent Appeals and Interferences.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
CRAIG R. FEINBERG
Program and Resource Administrator

David B. Murphy, Esq.
O'Melveny & Myers, LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315